

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,)	
)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-122-LPS-CJB
)	
GROUPON, INC.,)	
)	
Defendant.)	

**MOTION OF GROUPON, INC. FOR JUDGMENT ON THE PLEADINGS
THAT U.S. PATENT NO. 5,796,967 AND U.S. PATENT NO. 7,072,849
ARE DIRECTED TO INELIGIBLE SUBJECT MATTER
AND THUS INVALID UNDER 35 U.S.C. § 101**

Defendant Groupon, Inc. (“Groupon”) hereby moves the Court for entry of an Order finding the claims of U.S. Patent Nos. 5,796,967 and 7,072,849 invalid under 35 U.S.C. § 101 and dismissing Plaintiff IBM’s infringement claims against Groupon of those patents pursuant to Fed. R. Civ. P. 12(c) with prejudice. The grounds for this Motion are more fully set forth in Groupon’s Memorandum of Law in Support of Its Motion for Judgment on the Pleadings that U.S. Patent No. 5,796,967 and U.S. Patent No 7,072,849 Are Directed to Ineligible Subject Matter and Thus Invalid Under 35 U.S.C. § 101, filed contemporaneously herewith.

ASHBY & GEDDES

/s/ Andrew C. Mayo

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